



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# Rhode Island State Labor Relations Board

Building 73  
1511 Pontiac Avenue  
Cranston, Rhode Island 02920-4407

## OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.  
DATE: Tuesday, May 11, 2004  
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

### BOARD MEMBERS IN ATTENDANCE:

Walter J. Lanni, Chairman  
Frank J. Montanaro  
Joseph V. Mulvey  
Gerald S. Goldstein  
John R. Capobianco  
Elizabeth S. Dolan  
Ellen L. Jordan

### OTHERS PRESENT:

Robyn H. Golden, Acting Administrator  
Linda L. Esposito, Secretary  
Margaret Hogan, Esquire

-----  
Chairman Lanni called the meeting to order in Open Session at 9:14 a.m.

All members reviewed the Open Minutes of the April 6, 2004 Board Meeting. A Motion was made by John Capobianco and seconded by Elizabeth Dolan to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members to accept the minutes as written.

The meeting continued in open session:  
-----

**MERGER/AFFILIATION PETITION:**

- 1 Case No. EE-3661  
Town of Cumberland & Cumberland Association of Professional Paramedics and EMT's & IAFF

**Frank Montanaro disqualified himself from participation in this matter.**

After review of the documents submitted by the Cumberland Association of Professional Paramedics and EMT's & the International Association of Firefighters, and after discussion, a Motion was made by John Capobianco and seconded by Elizabeth Dolan to accept the Cumberland Association of Professional Paramedics and EMT's request to Merge/Affiliate with the International Association of Firefighters and to sign an Amended Certification to the affect. All participating Board Members voted in favor of the Motion.

**ELECTION PETITIONS:**

- 1 Case No. EE-3675  
RI Family Court & AFSCME (88 positions - 24 contested)

The Motion to Recuse filed by Attorney Jeffrey Kastle was reviewed by all Board Members. Chairman Lanni and Frank Montanaro consulted with Attorney Hogan as to the specific allegations contained in the Motion. It was determined that there is no specific legal basis for either individual to recuse himself from participating in this case, as Chairman Lanni's association with the RI Family Court Chief, Earl "Buddy" Croft, is not one of a personal nature and, therefore, would not cause a conflict of interest in this matter. It was also determined that, although Frank Montanaro's daughter does hold a position in the Family Court, it is not one of the positions that is being contested and, therefore, would not cause a conflict of interest in this matter.

After review of the informal notes and discussion, a Motion was made by Joseph Mulvey and seconded by John Capobianco to conduct an expedited investigation of the twenty-four (24) contested positions in this matter as these positions are part of the Election Petition. All Board Members voted in favor of the Motion.

**Ellen Jordan arrived at 9:25 a.m.**

2. Case No. EE-3674  
Town of Exeter & Laborers'  
**CONTESTED POSITIONS:** Tax Collector; Town Planner; and Deputy Town Clerk

After review of the informal notes and discussion, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to conduct an expedited investigation of the three (3) contested positions, namely: **Tax Collector, Town Planner, and Deputy Town Clerk**, as there positions are part of the Election Petition. All Board Members voted in favor of the Motion.

**UNIT CLARIFICATIONS (Consent Agreement & Affidavit):**

Case No. EE-3503  
Corrections & RI Probation and Parole Association  
**UNIT CLARIFICATION:** Systems Support Technician

After review and discussion of the Consent Agreement & Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by John Capobianco to acknowledge and accept the parties' agreement that the position of **Systems Support Technician** shall be and is hereby accreted into the bargaining unit defined in Case No. EE-3503. All Board Members voted in favor of the Motion.

**DRAFTED DECISIONS:**

- 1 Case No. ULP-5485  
North Kingstown & IBPO, Local 473

**Elizabeth Dolan disqualified herself from participation in this matter.**

This case was heard formally by Walter Lanni, Frank Montanaro, Joseph Mulvey, Gerald Goldstein, John Capobianco and Ellen Jordan.

**ORDER:** The Employer is hereby ordered to cease and desist from further use of the Injured on Duty policy, without first bargaining its implementation in good faith with the exclusive bargaining agent.

After review of the drafted decision, a Motion was made by Joseph Mulvey and seconded by John Capobianco to sign the Decision and Order, as written. After discussion, all participating Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Gerald Goldstein and Ellen Jordan signed the Decision as dissenting.

2. Case No. ULP-5610  
Narragansett & IBPO

After discussion with Attorney Hogan regarding that status of this matter, a Motion was made by Joseph Mulvey and seconded by John Capobianco to table this matter until the next Board Meeting on June 8, 2004. All Board Members voted in favor of the Motion.

3. Case No. ULP-5680  
MHRH (RICLAS) & AFSCME

This case was heard formally by Joseph Mulvey, John Capobianco, Elizabeth Dolan and Ellen Jordan. Walter Lanni, Frank Montanaro, and Gerald Goldstein reviewed the transcript and briefs in this matter.

**ORDER:** The Employer is hereby ordered to comply with the terms of the "Special Purpose Agreement" by posting the next five vacant "Community Living Aide" positions as "float pool", unless the Union and the Employer hereafter agree in writing that they do not desire to fill all ten "float pool" positions.

After review of the drafted decision, a Motion was made by Frank Montanaro and seconded by John Capobianco to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written.

**CASES CONCLUDED:**

1 Case No. EE-3133  
State of RI, Commissions and Agencies & AFSCME  
**UNIT CLARIFICATION:** Executive Secretary - State Properties Committee

**Walter Lanni recused himself from participation in this matter.**

**Frank Montanaro abstained from voting in this matter.**

This case was heard formally by Joseph Mulvey, John Capobianco, Ellen Jordan, Elizabeth Dolan and Frank Montanaro. Gerald Goldstein reviewed the transcript and the briefs submitted by the parties.

After review and discussion, it was determined that the investigation and information elicited through the formal hearing process indicated that the position of Executive Secretary - State Properties Committee is not one of a confidential, supervisory, or managerial level and would be eligible for collective bargaining in the proper unit. Therefore, a Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey to dismiss the request for accretion filed in this matter relative to the position of Executive Secretary - State Properties Committee as being **inappropriately filed under Case No. EE-3133**. All participating Board Members voted in favor of the Motion.

2. Case No. ULP-5681  
RI Board of Governors for Higher Education & PSA @ RIC, L3302, AFT/RIFT

This case was formally heard by Walter Lanni, Joseph Mulvey, Gerald Goldstein, Ellen L. Jordan, John Capobianco, and Elizabeth Dolan. Frank Montanaro reviewed the transcript and the briefs submitted by the parties.

After review and discussion, a Motion was made by Joseph Mulvey and seconded by John Capobianco to uphold the charge and find that an Unfair Labor Practice has been committed. The Employer is ordered to cease and desist from appointing any employee as an Employer's representative in labor negotiations if that Employee(s) position is already the subject of an accretion petition. Gerald Goldstein and Ellen L. Jordan have abstained; however, they are reserving the right to review the Decision and Order before deciding their final votes. Motion passed.

**STATUS LETTERS**

1 Case No. ULP-5488  
Pawtucket Water Supply Board & Teamsters Local 64

After review and discussion of the correspondence received from Thomas Landry in this matter, a Motion was made by John Capobianco and seconded by Joseph Mulvey to table this matter until the next Board Meeting on June 8, 2004. All Board Members voted in favor of the Motion.

**MISCELLANEOUS MATTERS:**

1. Case No. EE-3326  
Dept. of Transportation & Laborers'  
Request for Review of Board's Previously Rendered Decision & Order

After review of the correspondence from Ronald R. Coia, Esquire, requesting that the Board file a petition with the Superior Court to enforce the Board's previous Decision and Order in this case, and after discussion, the Board determined that they would deny Attorney Coia's request pending litigation in which the union could intervene, if desired, and referred his request to Attorney Hogan to advise Attorney Coia in this matter.

2. Case No. ULP-5688  
MHRH & AFSCME  
Request for Reconsideration of Board's Decision

After review of the letter from Attorney Gerald Cobleigh requesting that the Board reconsider its previously rendered Decision & Order of Dismissal in this matter, and after discussion and consideration, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to reaffirm the Board's original Decision in this case. All Board Members voted in favor of the Motion.

3. A Motion was made by Joseph Mulvey and seconded by Frank Montanaro that no Board Meetings or Formal Hearings shall be held in the month of July, 2004. All Board Members voted in favor of the Motion.

A Motion was made by Ellen Jordan and seconded by Frank Montanaro to amend the Agenda to include the review of recent Legislation. All Board Members voted in favor of the Motion.

4. Legislation:

All Board Members were provided with copies of Senate Legislation S-2140 and S-3090 for their review. A Motion was made by Frank Montanaro and seconded by John Capobianco that the Board not take any position on either piece of legislation. All Board Members voted in favor of the Motion.

-----  
Frank Montanaro made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges and Miscellaneous Cases and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Elizabeth Dolan, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:30 a.m.  
-----

The meeting resumed in open session at 10:50 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

**UNFAIR LABOR PRACTICES:**

1. Case No. ULP-5708  
Pawtucket & AFSCME

**DETERMINATION:** dismiss the charge in accordance with RIGL 28-7-9(d).

2. Case Nos. ULP-5690 & ULP-5691  
Administration/DMV & AFSCME

**DETERMINATION:** dismiss the charge in accordance with RIGL 28-7-9(d).

3. Case Nos. ULP-5692 & ULP-5701  
  
Administration/DMV & Laborers'

**DETERMINATION:** dismiss the charge in accordance with RIGL 28-7-9(d).

4. Case No. ULP-5703  
Westerly & Laborers'

**DETERMINATION:** issue a Complaint and proceed to formal hearing.

5. Case No. ULP-5711  
Business Regulations & Laborers'

**DETERMINATION:** issue a Complaint and proceed to formal hearing

6. Case No. ULP-5714

**DETERMINATION:** dismiss the charge in accordance with RIGL 28-7-9(d).

**MISCELLEANOUS MATTERS:**

1. Closed Minutes - October, December 2003, January, March 2004

All closed minutes shall remain sealed for the above-named months.

-----  
A Motion to adjourn was made by Frank Montanaro, and it was seconded by John Capobianco, and it was unanimously,

VOTED: to adjourn the meeting at 10:55 a.m.